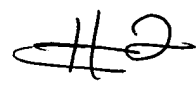


PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Willett, Kevin R. Atty. Docket: 85939.000193
Serial No.: 09/839,887 Examiner: 
Filed: April 20, 2001 Art Unit:
Title: CONTIGUOUS COLLIQUEFACTION FORMING A SURFACE FILM FOR A
COMPOSITE STRIP

Petition to Make Special Under 37 C.F.R. §1.102(VIII)

Commissioner of Patents and Trademarks
Washington, D.C. 20231

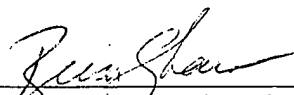
Sir:

Applicant hereby petitions to make the present application special pursuant to 37 C.F.R. §1.102 and 708 MPEP 708.02 (VIII).

1. The fee set forth in 37 C.F.R. §1.17(i) accompanies this petition.
2. Applicant hereby presents all claims directed to a single invention, however, if the office determines that all the claims presented are not obviously directed to a single invention, applicant will make an election without traverse as a prerequisite to the grant of special status.
3. A pre-examination search was conducted through the office of Woolcott & Company directed to a weather strip having a thermoplastic/thermoset powdered coating and a method of manufacturing such a weather strip. The field of search was directed to the following areas Class 428, subclass 141; Class 427, subclasses 385.5, and 393.5; and Class 525, subclasses 419 and 420.
4. One copy of each of these references has been made of record; including the accompanying PTO form No. PTO/SB/08A; and a detailed discussion accompanies this petition discussing the references and pointing out what the particularity required by 37 C.F.R. §1.111(b) and (c) how the claimed subject matter is patentable over the references.

Therefore, applicant respectfully requests granting of this petition and expediting the examination procedure.

Respectfully submitted,



Brian B. Shaw, Registration No. 33,782
HARTER, SECREST & EMERY LLP
700 Midtown Tower
Rochester, New York 14604

Date: June 8, 2001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Willett, Kevin R.

Atty. Docket: 85939.000193

Serial No.: 09/839,887

Examiner:

Filed: April 20, 2001

Art Unit:

Title: CONTIGUOUS COLLIQUEFACTION FORMING A SURFACE FILM FOR A COMPOSITE STRIP

Detailed Discussion Pursuant to MPEP 708.02 VIII (E)Commissioner of Patents and Trademarks
Washington, D.C. 20231

Sir:

U.S. Patent No. 6,084,034

U.S. Patent

Jul. 4, 2000

Sheet 1 of 2

U. S. Patent No. 6,084,034 (the '034 patent) discloses a functional coating for reducing friction between a glass run and an automotive window glass. The coating of the '034 patent includes a urethane paint and a first powder having a melting point lower than a certain temperature and a solubility parameter which is smaller than or larger than that of the urethane paint by at least 0.5. According to the first aspect of the invention of the '034 patent, distribution of particles of the first powder and the coating film, immediately after application of the coating is schematically shown in Figure 2.

When the coated glass run 10 is heated

FIG.1

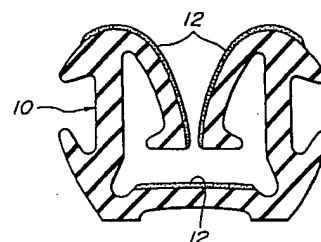


FIG.2

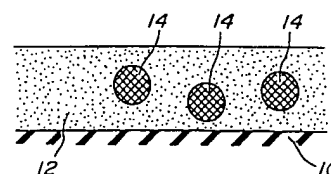
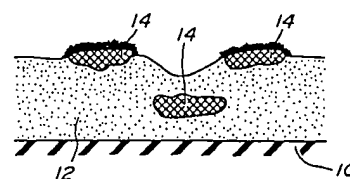


FIG.3



for vulcanization, the first powder particles 14 melt and thus increase in fluidity. As shown in Figure 3, the melted particles 14 tend to rise to the surface of the coating film 12. Then, the melted particles 14 of the first powder contract and solidify as the coated glass run cools down.

FIG.4

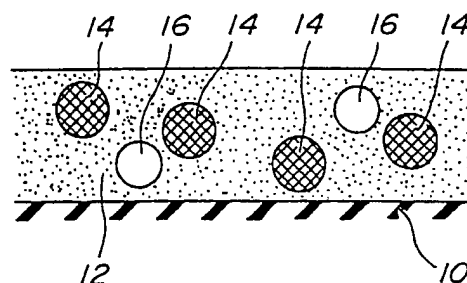
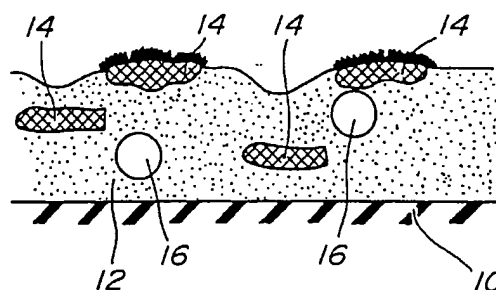


FIG.5



According to a second aspect of the invention of the '034 patent, first and second particles 14 and 16 are distributed immediately after application of the coating as shown in Figure 4.

When the coated glass run is heated for vulcanization, particles 14 of the first powder melt and thus increase in fluidity. The melted particles 14 tend to rise to the surface of the coating film 12, as seen in Figure 5. Then, the melted particles 14 contract and solidify as the coated glass run 10 cools down.

In contrast, the present claims recite in part "a coliquified powder coating forming a contiguous surface film on a portion of the resilient body." (Claims 1-4); "a powder coating coliquifaction forming a *contiguous surface layer* bonded to the first portion and the second portion." (Claims 5-9); "a powder coating defining a *contiguous surface film* on a portion of the weather seal." (Claims 10-19); "a coliquifaction of a powder coating

forming a *contiguous surface film* on one of the base and sealing portion.” (Claims 20-26); “melting the powder coating on the portion of the weather seal to form a *contiguous surface layer* on the portion of the weather seal.” (Claims 27-28); “melting the powder coating on the resilient body to form a *contiguous surface layer* bonded to the body.” (Claim 29); and “coliquifying the retained powder coating to form a *contiguous surface film*.” (Claims 30-32) [emphasis added]

Therefore, applicant believes the ‘034 patent cannot sustain rejection of the present claims.

U.S. Patent No. 5,763,011

U.S. Patent No. 5,763,011 (the ‘011 patent) is a related patent to U.S. Patent No. 6,084,034. As the ‘011 patent and the ‘034 patent include the same disclosure, applicant respectfully resubmits the same distinctions from the ‘034 patent apply, and for purposes of clarity, has not reproduced the same analysis as the ‘034 patent.

Therefore, applicant believes the ‘011 patent cannot sustain rejection of the present claims.

U.S. Patent No. 5,306,537

U. S. Patent No. 5,306,537 (the ‘537 patent) discloses a wear resistant coating for a glass run channel. Specifically, the ‘537 patent provides a thermoplastic powder material applied to a thermoset rubber substrate. The combination is then heated to a temperature and for a time to cause the powder thermoplastic to melt and associate in free-formed domains on the rubber surface to form a discontinuous coating heat fused to the substrate. The resulting article of the ‘537 patent is a low friction wear resistant discontinuous coating for a glass run weather strip or the like. Further, the ‘537 patent states “the domains are preferably discontinuous along the rubber layer and are in various free-form domains randomly spaced about the base surface 22. (Col. 2, Lines 48-51) If a thicker coating is desired, greater quantities of the powder thermoplastic material can be utilized such that the domains run into one another and form a discontinuous coating with spaced load bearing portions of different heights. (Col. 2, Lines 64-69 and Col. 3, Line 1)

The product shown in

Figure 4 is heated to

cause the powder

thermoplastic to melt and

associate into free form

domains which are

spaced randomly about

the substrate. (Col. 3,

Lines 15-19) "The

thermoplastic utilized in

the present invention may

be of a type that when

melted has a higher

affinity to itself than the

thermoset rubber to

provide for association of

the thermoplastic

particles by flowing into

one another and to free

form domains that will

not wet the thermoset

substrate and form a

continuous layer." (Col. 3, Lines 21-26).

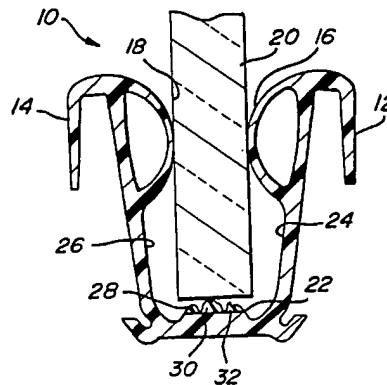


Fig-3

Fig-4

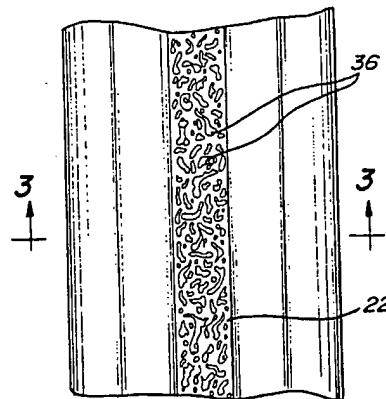
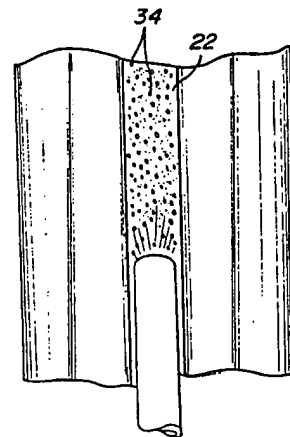


Fig-5

That is, the '537 patent does not disclose or suggest and, in fact, applicant respectfully submits teaches away from "a coliquified powder coating forming a *contiguous surface film*." (Claims 1-4); "a powder coating coliquifaction forming a *contiguous surface layer*." (Claims 5-9); "a powder coating defining a *contiguous surface film* on a portion of the weather seal." (Claims 10-19); "a coliquifaction of a powder coating forming a *contiguous surface film*." (Claims 20-26); "melting the powder coating on the portion of the weather seal to form a *contiguous surface layer*." (Claims 27-28); "melting the powder coating on the resilient body to form a *contiguous*

surface layer bonded to the body.” (Claim 29); or “coliquifying the retained powder coating to form a *contiguous surface film*.” (Claims 30-32). [emphasis added]

Therefore, applicant believes the ‘537 patent cannot sustain rejection of the present claims.

U.S. Patent No. 4,945,123

U.S. Patent No. 4,945,123 (the ‘123 patent) discloses a coating composition for treating high molecular elastic material to provide wear resistance and durability but with a low coefficient of friction. The coating of the ‘123 patent includes a urethane coating material, a silicone oil, a fluorocarbon resin powder and a polyethylene powder.

However, the ‘123 patent does not disclose or suggest teaches away from “a coliquified powder coating forming a contiguous surface film.” (Claims 1-4); “a powder coating coliquifaction forming a contiguous surface layer.” (Claims 5-9); “a powder coating defining a contiguous surface film on a portion of the weather seal.” (Claims 10-19); “a coliquifaction of a powder coating forming a contiguous surface film.” (Claims 20-26); “melting the powder coating on the portion of the weather seal to form a contiguous surface layer.” (Claims 27-28); “melting the powder coating on the resilient body to form a contiguous surface layer bonded to the body.” (Claim 29); or “coliquifying the retained powder coating to form a contiguous surface film.” (Claims 30-32).

Therefore, applicant believes the ‘123 patent cannot sustain rejection of the present claims.

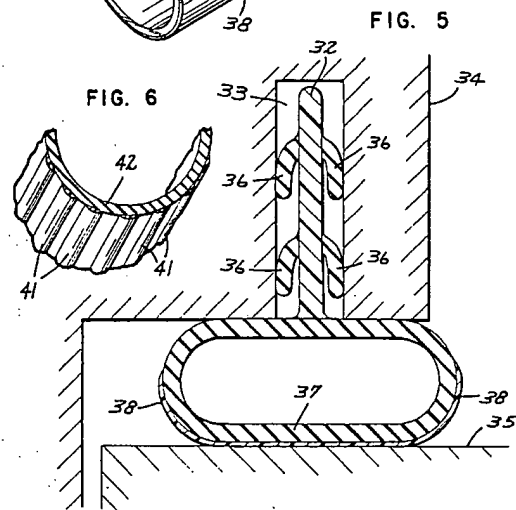
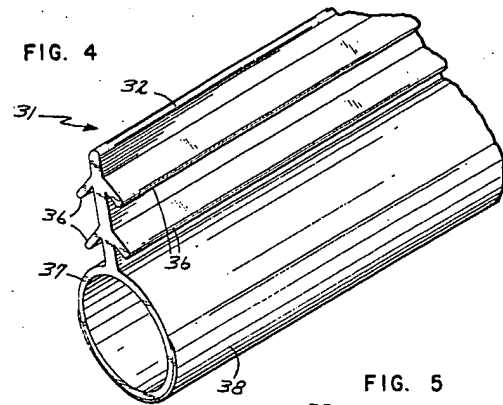
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U.S. Patent No. 4,538,380 (the '380 patent) discloses a weather seal having a base member and a sealing member formed of a thermoplastic elastomer. A thin film is disposed about the sealing member. The weather seal is integrally formed in a single extrusion of continuous length. Further, the '380 patent states it is preferred that the various components of the weather seal be made from materials that are extrudable, thus permitting the weather seal 31 to be integrally formed in a single extrusion.

Therefore, the '380 patent does not disclose or suggest and, in fact, applicant respectfully submits teaches away from "a *coliquified powder coating* forming a contiguous surface film." (Claims 1-4); "a *powder coating coliquifaction* forming a contiguous surface layer." (Claims 5-9); "a *powder coating* defining a contiguous surface film on a portion of the weather seal." (Claims 10-19); "a *coliquifaction* of a *powder coating* forming a contiguous surface film." (Claims 20-26); "*melting the powder coating on the portion of the weather seal* to form a contiguous surface layer." (Claims 27-28); "*melting the powder coating on the resilient body* to form a contiguous surface layer bonded to the body." (Claim 29); or "*coliquifying the retained powder coating* to form a contiguous surface film." (Claims 30-32).
[emphasis added]



JP 6025604

Japanese application JP 6025604 (the '604 application) discloses a coating composition for forming a dull coating film with excellent abrasion resistance on the surface of a weatherstrip substrate. The composition includes an organopolysiloxane having two silanol groups in the molecule, and a spherical powder having a mean particle diameter of 50 micrometers or lower.

However, the '604 patent does not disclose or suggest "a coliquified powder coating forming a contiguous surface film." (Claims 1-4); "a powder coating coliquifaction forming a contiguous surface layer." (Claims 5-9); "a powder coating defining a contiguous surface film on a portion of the weather seal." (Claims 10-19); "a coliquifaction of a powder coating forming a contiguous surface film." (Claims 20-26); "melting the powder coating on the portion of the weather seal to form a contiguous surface layer." (Claims 27-28); "melting the powder coating on the resilient body to form a contiguous surface layer bonded to the body." (Claim 29); or "coliquifying the retained powder coating to form a contiguous surface film." (Claims 30-32).

Therefore, applicant believes the '604 application cannot sustain rejection of the present claims.

JP 2144227

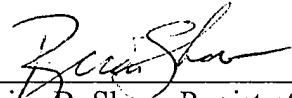
Japanese application No. JP 2144227 (the '227 application) discloses a sliding surface for a sealing member. The sealing member body is coated with an adhesive agent for rubber to form an adhesive agent layer. A synthetic resin fine powder is then coated on the adhesive agent layer. Subsequently, the synthetic resin fine powder coating and adhesive agent film for the synthetic resin is floated and fluidized while the seal member body is formed with an adhesive agent layer is dipped into the synthetic resin fine powder.

However, the '227 application does not disclose or suggest "a coliquified powder coating forming a contiguous surface film." (Claims 1-4); "a powder coating coliquifaction forming a contiguous surface layer." (Claims 5-9); "a powder coating

defining a contiguous surface film on a portion of the weather seal.” (Claims 10-19); “a coliquifaction of a powder coating forming a contiguous surface film.” (Claims 20-26); “melting the powder coating on the portion of the weather seal to form a contiguous surface layer.” (Claims 27-28); “melting the powder coating on the resilient body to form a contiguous surface layer bonded to the body.” (Claim 29); or “coliquifying the retained powder coating to form a contiguous surface film.” (Claims 30-32).

Therefore, applicant believes the ‘227 application cannot sustain rejection of the present claims.

Respectfully submitted,



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Dated: June 8, 2001

*I hereby certify that this correspondence is being deposited with
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Michele Hamby

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HARTER, SECREST & EMERY LLP

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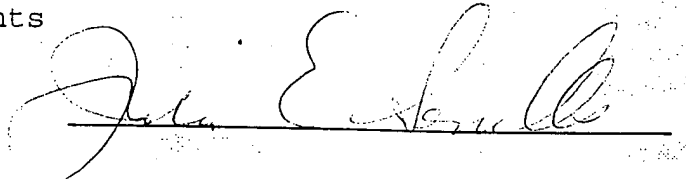
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HARTER, SECREST & EMERY LLP

TO:
THE
ORDER
OF

Assistant Commissioner for Patents



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Commissioner for Patents June 8, 2001
Washington, D.C. 20231

Applicant: Willett, Kevin R.
Serial No.: 09/839,887
Date Filed: 4/20/01
Title: CONTIGUOUS COLLIQUEFACTION FORMING A SURFACE
FILM FOR A COMPOSITE STRIP

Transmittal of a Petition to Make Special including Detailed Discussion Pursuant to
MPEP 708.02 VIII (E), an Information Disclosure Statement including copies of
cited references and our check in the amount of \$130.00 are hereby received and
acknowledged.

Metzeler Automotive Profile Systems\85939.000193\BBS